

# CONSUMER FACT SHEET

## **Programming (The First Amendment and Mandatory Carriage)**

---

### **Why does programming differ from community to community?**

Under federal law, cable operators are allowed to select the programming they want to carry and to package that programming in a manner they determine is best. Cable operators must consider a number of factors when deciding how to package their programming. Legal, technical, financial, and demographic factors can influence the cable operator's decision to carry certain channels. For example, federal regulations require cable operators to include certain over-the-air broadcast channels along with other local channels on the basic service tier.

### **What local channels are cable operators required to carry?**

Under federal law, cable operators are required to provide channel space to local stations that meet federal criteria for mandatory carriage called "must carry." A cable television system, however, has a limited number of channels that the system can physically carry. The cable operator is required by law to carry local broadcast television signals on up to one-third of the system's capacity. In many cases, the cable operator may be required to carry a home shopping channel or other channels because they are broadcast from local television stations. In some situations, the cable operator may have to drop a preferred channel in order to carry these local stations. All of the must-carry requirements are subject to exceptions where local programming is duplicated by other nearby stations.

### **Does this mean that local broadcasters can force the cable operator to carry their programming?**

Yes, but this is subject to negotiation between the cable operators and broadcasters. Since the law also prohibits cable operators from retransmitting local commercial and non-commercial television stations without the broadcaster's consent, local broadcasters that serve the same market as a cable operator may either demand carriage or request compensation. This is called "retransmission consent."

### **How can I get my cable operator to change its programming?**

The First Amendment's freedom of the press precludes any federal, state or municipal entity from dictating specific programming requirements to cable operators. However, cities and towns may, in the municipality's cable license agreement, require the operator to carry broad categories of programming. Subscribers should communicate their programming preferences to their cable operator so that the operator can make programming decisions with the needs of their customers in mind.

**Who do I contact to obtain further information not included on this fact sheet?**

If you have complaints or concerns regarding the programming provided on your cable service, you should contact your Issuing Authority. For general questions or further information, please contact the Cable Television Division. Additional information regarding programming, must carry, and retransmission consent requirements is also available at the Federal Communication Commission's website at [www.fcc.gov](http://www.fcc.gov).

---

**Massachusetts Department of  
Telecommunications & Energy  
Cable Television Division**

One South Station  
Boston, MA 02110

617-305-3580

Toll-Free in Massachusetts: 1-888-MA-CBL-TV  
(1-888-622-2588)

Updated 1/15/02

[www.mass.gov/dpu/catv](http://www.mass.gov/dpu/catv)  
[cable.inquiry@state.ma.us](mailto:cable.inquiry@state.ma.us)